

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARRELL ONEIL BUCKNER,

Plaintiff,

v.

SACRAMENTO POLICE  
DEPARTMENT, et al.,

Defendants.

No. 2:23-cv-1723-EFB (PC)

ORDER

Darrell Buckner is a county jail inmate proceeding without counsel. This action was opened when he submitted to the court an unsigned complaint ECF No. 1. Mr. Buckner has not properly commenced a civil action.

A complaint is necessary for the commencement of a civil action. Fed. R. Civ. P. 3. Rule 11 of the Federal Rules of Civil Procedure requires that “[e]very pleading, written motion, and other paper . . . be signed by at least one attorney of record in the attorney’s name—or by a party personally if the party is unrepresented.” Fed. R. Civ. P. 11(a). Because Mr. Buckner did not sign the complaint (ECF No. 1), it will be disregarded.

Within thirty days, Mr. Buckner may file a complaint that is signed. *See* Fed. R. Civ. P. 3 (“A civil action is commenced by filing a complaint with the court.”). Failure to comply with this order may result in an order closing this case. In addition, Mr. Buckner must pay the \$402 filing

1 fee required by 28 U.S.C. § 1914(a) or submit a signed application for leave to proceed in forma  
2 pauperis. Until Mr. Buckner submits a signed complaint and either pays the filing fee or meets  
3 the requirements of 28 U.S.C. § 1915(a), there simply is no case before the court.


4 Accordingly, it hereby is ORDERED that:

5 1. The Clerk of the Court shall send to Mr. Buckner the form complaint and application  
6 for leave to proceed in forma pauperis used in this court;

7 2. Within 30 days of the date of this order, Mr. Buckner shall either pay the \$402 filing fee  
8 or submit a complete application for leave to proceed in forma pauperis; and

9 3. Within 30 days of the date of this order, Mr. Buckner shall submit a signed complaint  
10 stating the nature of the action and his belief that he is entitled to redress. Failure to comply with  
11 this order may result in this case being closed.

12  
13 DATED: August 21, 2023.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE